IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

| MICHAEL HART, |) | |
|---|---|--------------------------|
| Plaintiff, |) | |
| 1 141111111, |) | |
| v. |) | Civil No. 3:10-0520 |
| |) | Judge Trauger |
| JOSHUA MCCALL, Corporal, in his individual |) | Magistrate Judge Griffin |
| and official capacities as a correctional officer |) | |
| at Riverbend Maximum Security Institution, and |) | |
| BRANDON JACKSON, C/O, in his official |) | |
| capacities as a correctional officer at Riverbend |) | |
| Maximum Security Institution, |) | |
| |) | |
| Defendants. |) | |
| | | |

ORDER

On April 27, 2011, the Magistrate Judge issued a Report and Recommendation (Docket No. 84), to which no timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the Motion For Summary Judgment filed by defendants Jackson and McCall (Docket No. 66) is **DENIED** as to the plaintiff's claims for damages against the defendants in their individual capacities and **GRANTED** in all other respects.

It is further **ORDERED** that this case is set for a jury trial on August 2, 2011.

It is further **ORDERED** that the Magistrate Judge shall conduct the pretrial conference and enter a pretrial order. She shall assist the plaintiff with the preparation of subpoenas, discuss exhibits, instructions and all other matters necessary for having the case prepared to be tried on the date set.

The Magistrate Judge has been managing this case. If she considers it appropriate to appoint counsel to represent the plaintiff at trial, she should do so.

It is so **ORDERED**.

ENTER this 25th day of May 2011.

ALETA A. TRAUGER

U.S. District Judge